

MEMORANDUM

Agenda Item No. 10(A)(4)


TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to
prohibiting a person holding a
learner's driver's license from
using a cellular phone while
operating a motor vehicle

The accompanying resolution was prepared and placed on the agenda at the request of
Chairperson Dr. Barbara Carey-Shuler.


Robert A. Ginsburg
County Attorney

RAG/jls

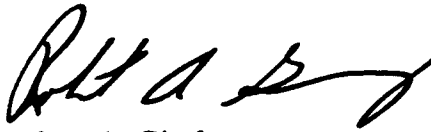


MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(4)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 10 (A) (4)

Veto _____

9-9-03

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PROHIBIT A PERSON HOLDING A LEARNER'S DRIVER'S
LICENSE FROM USING A CELLULAR TELEPHONE WHILE
OPERATING A MOTOR VEHICLE

WHEREAS, cellular telephones have become commonplace over the last decade, with more than ninety-five (95) million in use; and

WHEREAS, an estimated forty-four (44) percent of all U.S. motorists have a cellular telephone in the vehicle; and

WHEREAS, as the number of cellular telephones in use in vehicles has increased, so too has the number of driver safety advocates who have linked cellular telephone use to motor vehicle accidents; and

WHEREAS, a person holding a learner's driver's license is a less experienced driver and therefore less able to properly respond to an emergency situation arising from inattention to and distraction from driving; and

WHEREAS, the Florida Legislature has preempted all local government regulation of cellular telephones while driving; and

WHEREAS, other states have enacted laws prohibiting a person holding a learner's driver's license from using a cellular telephone while driving,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. This Board urges the Florida Legislature to prohibit a person holding a learner's driver's license from using a cellular telephone while operating a motor vehicle.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Governor, the President of the Senate, the Speaker of the House, and the Chair and members of the Miami-Dade County State Legislative Delegation.

The foregoing resolution was sponsored by Chairperson Dr. Barbara Carey-Shuler and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

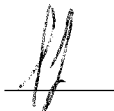
The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Scott Fabricius